IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3013 OF 2005
ALONGWITH
CRIMINAL APPLICATION NO.3014 OF 2005
ALONGWITH
CRIMINAL APPLICATION NO.3015 OF 2005
ALONGWITH
CRIMINAL APPLICATION NO.3017 OF 2005
ALONGWITH
CRIMINAL APPLICATION NO.3018 OF 2005
ALONGWITH
CRIMINAL APPLICATION NO.3019 OF 2005
ALONGWITH
CRIMINAL APPLICATION NO.3021 OF 2005
ALONGWITH
CRIMINAL APPLICATION NO.3029 OF 2005
ALONGWITH
CRIMINAL APPLICATION NO.3031 OF 2005
ALONGWITH
CRIMINAL APPLICATION NO.3033 OF 2005
ALONGWITH
CRIMINAL APPLICATION NO.3034 OF 2005
ALONGWITH
CRIMINAL APPLICATION NO.3037 OF 2005

Dharmasinh Morarji Popat & Anr ...Applicants

Versus

Malav Agencies & Anr ...Respondents

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Mr. Sanjay Parab, Advocate for Applicants.

Mr. S.R. Shinde, APP in Appln. No.3013 & 3034/05.
Mr. B.H. Mehta, APP in Appln. No.3014 & 3015/05.
Mr. D.P. Adsule, APP in Appln. No.3017 & 3018/05.
Ms.S.V.Gajre, APP in Appln.3019,3021 & 3037/05.
Mr. Y.S. Shinde, APP in Appln. No.3029/2005.
Mr. Rajesh More, APP in Appln. No.3031/2005.
Mr. R.S. Khadapkar, APP in Appln. No.3033/2005.

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CORAM: SMT. V.K. TAHILRAMANI, J.
DATED: 26TH AUGUST, 2005

P. C.:-

1. Heard Mr. Parab, the learned advocate for the

applicants and the learned A.P.P. for the State.

2. The applicants have prayed for quashing of process issued against them in Criminal Case Nos.2463/SS/2005, 2452/SS/2005, 2760/SS/2005, 2761/SS/2005, 2756/SS/2005, 2755/SS/2005, 2759/SS/2005, 2763/SS/2005, 2757/SS/2005, 2758/SS/2005, 2762/SS/2005 and 2754/SS/2005 which are pending in the Court of learned Small Causes Court, Mumbai. In the said cases, process have been issued against the applicants under Section 138 of Negotiable Instruments Act.

3. For the reasons recorded in my order dated 13th June, 2005 passed in Criminal Writ Petition No.213 of 2005 and order dated 21st June, 2005 passed in Criminal Application No.550 of 2005, the applicants have an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my opinion, it would be appropriate that the applicants prefer revisions before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the applicants to prefer revision before the concerned Sessions Court. The learned advocate for the applicants states that the necessary revisions would be preferred within a

period of four weeks from today. I am informed that the date before the trial court is 9.9.2005, the trial Court shall not proceed with the trial in the said cases on 9.9.2005 and for a period of two weeks thereafter.

5. On the necessary revisions being preferred by the applicants before the concerned Sessions Court, the concerned Sessions Court shall dispose of the same on merits after hearing necessary parties.

6. Office to issue an authenticated copy of this order to the parties.

7. Applications are disposed of.

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